

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:15-00124

CHADWICK J. LUSK

SENTENCING MEMORANDUM

Comes now the United States of America, by Meredith George Thomas, Assistant United States Attorney for the Southern District of West Virginia, and files this Sentencing Memorandum.

The Court is well aware of the nature and circumstances of this case. The receipt of secret kickbacks by the Mingo Logan Coal Company's employee, the defendant, from a person doing business with the company, was more than just money changing hands between the recipient and the vendor. Kickbacks given by the vendor and received by defendant deprived Mingo Logan of his honest services and placed the company at the risk of economic harms. These potential economic harms included, but were not limited to, divided loyalties, where an employee such as defendant was no longer solely interested in the well-being of his company, but had an interest in maintaining and protecting the ongoing relationship between the vendor and the company.

This type of illegal activity was rampant at the Mountain Laurel Mining Complex, perpetuated by both employees and

vendors. Certainly, Mingo Logan, whose employees took kickbacks, was put at risk of economic harm. Additionally, however, honest vendors, who were unwilling to pay to play, did not get a chance to participate in doing business at the mine. The United States respectfully requests that the Court take these factors into consideration at sentencing.

Respectfully submitted,

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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing "SENTENCING MEMORANDUM" has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing this 3rd day of February, 2017, to:

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